

-9-

REMARKS

The Examiner has objected to the specification. Such objection is deemed to be overcome by virtue of the clarifications made to the specification hereinabove.

The Examiner has indicated that Claims 9-19 are allowed. The Examiner is thanked for this allowed subject matter.

The Examiner has further objected to Claims 4 and 7-8 as being dependent upon a rejected base claim, but has also indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, applicant has amended each of such claims in the requested manner. Such claims are thus deemed allowable.

The Examiner has rejected Claims 1-3, and 5-6 under 35 U.S.C. 103(a) as being unpatentable over Zou et al. (US6,625,640). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove.

Specifically, the Examiner admits that "Zou does not explicitly teach performing data streaming through the network socket. An official notice is taken that the use of data streaming for delivery [of] multimedia data to a network client is well known in the art." Further, the Examiner argues that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Zou's modem to perform any conventional data communications including data streaming because it would have enabled delivering different types of data between the network server and network client."

Applicant respectfully disagrees. In particular, applicant does not simply claim, in Claim 1, "data streaming," as suggested by the Examiner. Instead, applicant claims "a streaming socket that can be attached to an open socket of said TCP/IP stack" (emphasis added). Only applicant teaches and claims such a streaming socket that allows the Internet device to communicate using a plurality of streaming sockets simultaneously.

The Examiner has simply dismissed such claimed feature under Official Notice. In response, applicant again points out the remarks above that clearly show the manner in which such claimed limitations further distinguish Zou. Applicant thus formally requests a specific

-10-

showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to at least suggest all of applicant's claim limitations. Nevertheless, despite such paramount distinction and in the spirit of expediting the prosecution of the present application, applicant has amended Claim 1 to include the following:

"wherein said Internet device is capable communicating using a plurality of streaming sockets simultaneously."

Thus, it is now even further emphasized that applicant teaches and claims a technique that is clearly departed from mere "data streaming," namely the ability to communicate using a plurality of streaming sockets simultaneously. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further submits new Claims 21-22 below, for full consideration, which are deemed allowable, at least in part, for the reasons set forth hereinabove.

20. (New) A method of communicating through a network device, comprising:
creating a first streaming socket; and

-11-

creating a second streaming socket;
wherein the network device is capable of communicating using the first and second streaming sockets simultaneously.

21. (New) An apparatus, comprising:
at least one network device capable of creating a first streaming socket and a second streaming socket;
wherein the network device is capable of communicating using the first and second streaming sockets simultaneously.

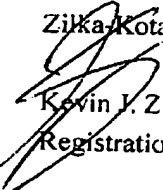
Again, a notice of allowance or a specific prior art showing of this claimed subject matter, in the specific context of the remaining claim limitations, is respectfully requested.

For the reasons set forth hereinabove, each of the independent claims are now deemed allowable, along with any claims depending therefrom. Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P325_P001315).

Respectfully submitted,

Zilka-Kotab, P.C.


Kevin J. Zilka

Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
Telephone: (408) 505-5100